

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

KEVIN ALLER,

Defendant.

00-cr-977 (JGK)
11-cv-9089 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the defendant dated January 26, 2012, in which the defendant questions his proposed release date from the Bureau of Prisons. The defendant asserts that the Bureau of Prisons has not properly calculated the release date in view of the reduction in the defendant's sentence as a result of this Court's decision reducing the defendant's sentence under the First Step Act. However, the calculation of the release date for a defendant is committed to the Bureau of Prisons ("BOP"). See United States v. Wilson, 503 U.S. 329, 335 (1992) ("After a district court sentences a federal offender, the Attorney General, through BOP, has the responsibility for administering the sentence."). The defendant should present any dispute with the release date to the Bureau of Prisons in the first instance, including any appropriate grievance proceeding within the Bureau of Prisons. See 28 C.F.R. §§ 542.10-542.16. If the defendant is not satisfied with any resolution by the Bureau of Prisons, then the

appropriate remedy is to file a petition pursuant to 28 U.S.C. § 2241 contesting the calculation by the Bureau of Prisons. See Carmona v. United States Bureau of Prisons, 243 F.3d 629, 632 (2d Cir. 2001).

The Court will send a copy of this Order to Mr. Aller and well as to Mr. Aller's counsel who successfully argued for First Step relief for Mr. Aller. Counsel may be able to assist Mr. Aller.

Mr. Aller's request to this Court to require the Bureau of Prisons to recalculate the defendant's release date is denied without prejudice.

The Clerk is directed to send a copy of this Order to the Defendant at: Kevin Aller 45021-054, Metropolitan Detention Center, P.O. Box 329002, Brooklyn, NY 11232.

SO ORDERED.

**Dated: New York, New York
February 5, 2021**

**/s/ John G. Koeltl
John G. Koeltl
United States District Judge**

JAN 26 2021

HONORABLE JOHN G. KOELT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007

RE: UNITED STATES V. KEVIN ALLEN
OO CR 977 (JSK)

DEAR JUDGE KOELT:

I RESPECTFULLY SUBMITS THIS LETTER IN CONNECTION WITH MY RESENTENCING THAT HAPPEN ON NOV 17, 2020. UNDER THE FIRST STEP ACT. THERE SEEMS TO BE A VERY, VERY SERIOUS, PROBLEM AND IN CLOSE IS MY TIME I HAD BEFORE THE RESENTENCE, AND THE NEW ONE. THERE WILL BE TWO SET'S, ONE OF MY CUSTODY CLASSIFICATION FORM AND SENTENCE MONITORING COMPUTATION DATA. MR. KOELT BEFORE I CAME IN FRONT OF YOU, FOR THE RESENTENCE AS YOU CAN SEE ON MY male custody classification I HAD 282 MONTH LEFT! WHEN YOU RESENTENCE ME ON NOV 17, 2020. YOU SAVE ME TIME SERVE ON 20 YEARS RUNNING INTO COUNT 2 & 3, & COUNT 4 TO NO CONSECUTIVE. AS YOU CAN SEE AND WHAT I'M BRINGING INTO & IN FRONT OF YOU IS I 30 YEAR LEFT BUT MY RELEASE DATE WAS SAYING 2044

SO AFTER YOU SUBTRACT THE 20 YEARS. MY TIME SHOULD SAY/
42 MONTH LEFT. NOT 72 MONTH LEFT.

MR. KOELT. HOW WHEN I HAD 50 YEARS 6 YEARS WAS
TAKING OFF FOR GOOD TIME. THAT'S HOW AND WHY I HAD 44 YEARS
LEFT!! BUT NOW WITH 30 YEARS ON 6 YEARS OF GOOD TIME COME
OFF. IT'S NOT ADDING UP RIGHT.

MR. KOELT. IF YOU TOOK 20 YEARS OFF, FROM 282 MONTH
I SHOULD HAVE 42 MONTH LEFT. BUT IT'S SAYING I HAVE 72 MONTH
AND IT'S WRONG IT WENT UP 3 YEARS. CAN YOU LOOK AT MY
EXHIBITS AND SEE THE MATH IS WRONG AND CAN YOU PLEASE
FIX IT. YOU GAVE ME THIRTY MORE MONTH, OR SAYING PERINIE AND BELL
(IT'S WRONG.

THANK YOU. AND GOD BLESS.

Theron Allen

EXHIBITS

male custody Classification Form
(2) set's my old one before the
resentence. saying 282 month.

And the new one, that saying 72
month. & it should say 42 month.

Sentence monitoring computation data.

(2) set's my old one before the
resentence, allowing the original set up.

And the new one & it's backwards
I have in a square.

BROQG 606.00 *
PAGE 001 OF 001

MALE CUSTODY CLASSIFICATION FORM

12-14-2020
10:27:12

(A) IDENTIFYING DATA

REG NO...: 45021-054

FORM DATE: 07-24-2020

ORG: LEW

NAME....: ALLER, KEVIN

MGTV: NONE

PUB SFTY: GRT SVRTY, SENT LGTH

MVED:

, E For my resentence on 11-17-20 (B) BASE SCORING

DETAINER: (0) NONE

SEVERITY.....: (7) GREATEST

MOS REL.: 282

CRIM HIST SCORE: (02) 3 POINTS

ESCAPES.: (0) NONE

VIOLENCE.....: (3) 5-10 YRS MINOR

VOL SURR: (0) N/A

AGE CATEGORY...: (2) 36 THROUGH 54

EDUC LEV: (1) ENRLD + SAT IN GED

DRUG/ALC ABUSE.: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED.....: (4) 26-75%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS....: (2) GOOD

TYPE DISCIP RPT: (0) GREATEST

FREQ DISCIP RPT.: (3) NONE

FAMILY/COMMUN...: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED	LEV	MGMT	SEC LEVEL	CUSTODY	CONSIDER
+15	+15	0	+15	MEDIUM	N/A		IN	SAME

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

As you can see subtract 240 month leave me
with 42 month. no 72!!

As you can see I had 30 year left than. out
my whole 50 years!! The more time more good time.
How. only 6 years out a 50 years & 6 out a 30 years

It don't add up.
$$\begin{array}{r} 282 \\ - 240 \\ \hline 42 \end{array}$$
 ← my time should say that.

BROQG 606.00 *

MALE CUSTODY CLASSIFICATION FORM *

01-25-2021

PAGE 001 OF 001

09:26:42

(A) IDENTIFYING DATA

REG NO.: 45021-054

FORM DATE: 01-21-2021

ORG: DSC

NAME: ALLER, KEVIN

MGTV: NONE

PUB SFTY: GRT SVRTY

MVED:

new one after my resentence

(B) BASE SCORING

DETAINER: (0) NONE

SEVERITY: (7) GREATEST

MOS REL.: 72

CRIM HIST SCORE: (02) 3 POINTS

ESCAPES: (0) NONE

VIOLENCE: (3) 5-10 YRS MINOR

VOL SURR: (0) N/A

AGE CATEGORY: (2) 36 THROUGH 54

EDUC LEV: (1) ENRLD + SAT IN GED

DRUG/ALC ABUSE: (0) NEVER/>5 YEARS

(C) CUSTODY SCORING

TIME SERVED: (4) 26-75%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS: (2) GOOD

TYPE DISCIP RPT: (0) GREATEST

FREQ DISCIP RPT.: (3) NONE

FAMILY/COMMUN: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE CUST	VARIANCE	SEC TOTAL	SCORED	LEV	MGMT	SEC LEVEL	CUSTODY	CONSIDER
+15	+15	0	+15	LOW	N/A		IN	SAME

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

AS YOU CAN SEE I GOT 30 EXTRA MONTH
WHY DID IT GO UP!!? YOU TOOK OFF 20 YEARS
FROM 282

BROQG 540*23 *
PAGE 001 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 12-14-2020

* 12-14-2020
* 10:40:24

REGNO...: 45021-054 NAME: ALLER, KEVIN

FBI NO.....: 223292PA8
ARS1.....: BRO/A-HLD
UNIT.....: H
DETAINERS.....: NO

DATE OF BIRTH: 07-31-1975 AGE: 45
ARS2.....: LEW/FED WRIT
QUARTERS.....: H05-503U
NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 08-15-2043

*The Time I Had left before my
Resentence*

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 02-15-2044 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, SOUTHERN DISTRICT
DOCKET NUMBER.....: S4 00CR00977-01(JSM)
JUDGE.....: MARTIN, JR.
DATE SENTENCED/PROBATION IMPOSED: 09-26-2003
DATE COMMITTED.....: 11-13-2003
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$300.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 545 18:1962 RACKETEER (RICO)
OFF/CHG: T18:1962(D); RACKETEERING CONSPIRACY (COUNT 2);
T21:846;T21:841(B)(1)(A); CONSPIRACY TO DISTRIBUTE AND
POSSESS W/INTENT TO DISTRIBUTE COCAINE AND CRACK (COUNT 3)

SENTENCE PROCEDURE.....:	3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE..:	20 YEARS
TERM OF SUPERVISION.....:	5 YEARS
NEW SENTENCE IMPOSED.....:	40 YEARS
BASIS FOR CHANGE.....:	COURT ORDER MODIFYING SENTENCE
CLASS OF OFFENSE.....:	CLASS A FELONY
DATE OF OFFENSE.....:	10-24-2000

*Focus on this
section.*

*why it start
like this. But the
new one. is back
wards. That's one of the
reasons my time adding
wrong*

G0002 MORE PAGES TO FOLLOW . . .

*Mr. Koell I Had 282 month left. you took 20 years
off. with my time not saying 42 month left.*

*I need your
help
can you fix it.*

BROQG 540*23 *	SENTENCE MONITORING	*	12-14-2020
PAGE 002 *	COMPUTATION DATA	*	10:40:24
	AS OF 12-14-2020		

REGNO.: 45021-054 NAME: ALLER, KEVIN

-----CURRENT OBLIGATION NO: 020 -----
 OFFENSE CODE....: 545 18:1962 RACKETEER (RICO)
 OFF/CHG: T18:1959(A) (5); CONSPIRACY TO COMMIT MURDER (COUNT 4)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE.: 10 YEARS
 TERM OF SUPERVISION.....: 3 YEARS
 CLASS OF OFFENSE.....: CLASS A FELONY
 RELATIONSHIP OF THIS OBLIGATION
 TO OTHERS FOR THE OFFENDER....: CONSECUTIVE
 DATE OF OFFENSE.....: 12-29-1996

-----CURRENT COMPUTATION NO: 010 -----
 COMPUTATION 010 WAS LAST UPDATED ON 05-14-2020 AT DSC AUTOMATICALLY
 COMPUTATION CERTIFIED ON 07-13-2009 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
 CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 09-26-2003
 AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA
 TOTAL TERM IN EFFECT.....: 50 YEARS
 TOTAL TERM IN EFFECT CONVERTED...: 50 YEARS
 AGGREGATED TERM OF SUPERVISION...: 5 YEARS
 EARLIEST DATE OF OFFENSE.....: 12-29-1996

JAIL CREDIT.....:	FROM DATE	THRU DATE
	09-26-1997	10-02-1997
	10-07-1999	10-14-1999
	10-24-2000	09-25-2003

G0002 MORE PAGES TO FOLLOW . . .

BROQG 540*23 *	SENTENCE MONITORING	*	12-14-2020
PAGE 003 OF 003 *	COMPUTATION DATA	*	10:40:24
	AS OF 12-14-2020		

REGNO...: 45021-054 NAME: ALLER, KEVIN

TOTAL PRIOR CREDIT TIME.....: 1082
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 2428
TOTAL GCT EARNED.....: 808
STATUTORY RELEASE DATE PROJECTED: 02-15-2044
ELDERLY OFFENDER TWO THIRDS DATE: 02-09-2034
EXPIRATION FULL TERM DATE.....: 10-09-2050
TIME SERVED.....: 20 YEARS 2 MONTHS 6 DAYS
PERCENTAGE OF FULL TERM SERVED...: 40.3
PERCENT OF STATUTORY TERM SERVED: 46.5

PROJECTED SATISFACTION DATE.....: 02-15-2044
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: 10-09-07: SENTENCE COMP ASSUMED & DIS GCT TAKEN BY DSCC/ZMG
06-10-09: AMEND J&C REC'D CTS 2 & 3 TO RUN CS TO EACH OTHER
AND CT 4 TOTAL TIE 50 YRS. WSZ/D. 11-23-10: GED JEE/D. 4-4-14
DIS 31.KPH/D.8-7-15 DIS 31.KPH/D. 4/8/20: FSA/GCT UPD D/JNW.
05-14-20 GED UPDT D/CT2

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE

BROQG 540*23 *
PAGE 001 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 01-25-2021

* 01-25-2021
* 09:25:47

REGNO...: 45021-054 NAME: ALLER, KEVIN

THE NEW ONE !!

FBI NO.....: 223292PA8
ARS1.....: BRO/A-HLD
UNIT.....: H
DETAINEES.....: NO

DATE OF BIRTH: 07-31-1975 AGE: 45
ARS2.....: LEW/FED WRIT
QUARTERS.....: H05-503U
NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 07-30-2026

new one is wrong

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 01-30-2027 VIA GCT REL

new one is wrong

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW YORK, SOUTHERN DISTRICT
DOCKET NUMBER.....: S4 00CR00977-01(JSM)
JUDGE.....: MARTIN, JR.
DATE SENTENCED/PROBATION IMPOSED: 09-26-2003
DATE COMMITTED.....: 11-13-2003
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$300.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 545 18:1962 RACKETEER (RICO)
OFF/CHG: 18:1962(D); RACKETEERING CONSPIRACY (COUNT 2);
21:846;21:841(B)(1)(C)(*); CONSPIRACY TO DISTRIBUTE WITH
INTENT TO DISTRIBUTE COCAINE AND CRACK COCAINE (COUNT 3)

SENTENCE PROCEDURE.....:	3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE..:	40 YEARS
TERM OF SUPERVISION.....:	5 YEARS
NEW SENTENCE IMPOSED.....:	20 YEARS
BASIS FOR CHANGE.....:	1ST STEP ACT CRK COCN
CLASS OF OFFENSE.....:	CLASS A FELONY
DATE OF OFFENSE.....:	10-24-2000

Focus on THIS
Section.

They change the line
up. It's backwards look
at the old one

This is after you took my time off. saying
2027. & it's wrong

G0002 MORE PAGES TO FOLLOW . . .

Mr. Koeltl I need your help can you fix it-
you took 20 years off that's 240 months. I had
282 month left, so why it's not saying
42 month.

I need your
help.

Can you fix it

BROQG 540*23 *	SENTENCE MONITORING	*	01-25-2021
PAGE 002 *	COMPUTATION DATA	*	09:25:47
	AS OF 01-25-2021		

REGNO...: 45021-054 NAME: ALLER, KEVIN

-----CURRENT OBLIGATION NO: 020 -----
 OFFENSE CODE....: 545 18:1962 RACKETEER (RICO)
 OFF/CHG: 18:1959(A)(5); CONSPIRACY TO COMMIT MURDER (COUNT 4)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
 SENTENCE IMPOSED/TIME TO SERVE.: 10 YEARS
 TERM OF SUPERVISION.....: 3 YEARS
 CLASS OF OFFENSE.....: CLASS A FELONY
 RELATIONSHIP OF THIS OBLIGATION
 TO OTHERS FOR THE OFFENDER....: CS TO 010/010/010
 DATE OF OFFENSE.....: 12-29-1996

-----CURRENT COMPUTATION NO: 010 -----
 COMPUTATION 010 WAS LAST UPDATED ON 01-13-2021 AT DSC AUTOMATICALLY
 COMPUTATION CERTIFIED ON 01-15-2021 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
 CURRENT COMPUTATION 010: 010 010, 010 020

DATE COMPUTATION BEGAN.....: 09-26-2003
 AGGREGATED SENTENCE PROCEDURE....: AGGREGATE GROUP 800 PLRA
 TOTAL TERM IN EFFECT.....: 30 YEARS
 TOTAL TERM IN EFFECT CONVERTED...: 30 YEARS
 AGGREGATED TERM OF SUPERVISION...: 5 YEARS
 EARLIEST DATE OF OFFENSE.....: 12-29-1996

JAIL CREDIT.....:	FROM DATE	THRU DATE
	09-26-1997	10-02-1997
	10-07-1999	10-14-1999
	10-24-2000	09-25-2003

G0002 MORE PAGES TO FOLLOW . . .

BROQG 540*23 *	SENTENCE MONITORING	*	01-25-2021
PAGE 003 OF 003 *	COMPUTATION DATA	*	09:25:47
	AS OF 01-25-2021		

REGNO...: 45021-054 NAME: ALLER, KEVIN

TOTAL PRIOR CREDIT TIME.....: 1082
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 1348
TOTAL GCT EARNED.....: 808
STATUTORY RELEASE DATE PROJECTED: 01-30-2027
ELDERLY OFFENDER TWO THIRDS DATE: 10-10-2020
EXPIRATION FULL TERM DATE.....: 10-09-2030
TIME SERVED.....: 20 YEARS 3 MONTHS 17 DAYS
PERCENTAGE OF FULL TERM SERVED...: 67.6
PERCENT OF STATUTORY TERM SERVED: 77.1

PROJECTED SATISFACTION DATE.....: 01-30-2027
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: 10-09-07: SENTENCE COMP ASSUMED & DIS GCT TAKEN BY DSCC/ZMG
06-10-09: AMEND J&C REC'D CTS 2 & 3 TO RUN CS TO EACH OTHER
AND CT 4 TOTAL TIE 50 YRS. WSZ/D. 11-23-10: GED JEE/D. 4-4-14
DIS 31.KPH/D.8-7-15 DIS 31.KPH/D. 4/8/20: FSA/GCT UPD D/JNW.
5-14-20 GED UPDT D/CT2. 1-13-21:REC'VD AJC (T/S) CT.3, CT.2
20 YRS & CT.4 10 YRS C/S. REDUCING TIE FROM 50 YRS TO 30 YRS.
D/DMR

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE